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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,123	10/10/2000	Alex M. Gernert	SYM-0606C	7157

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EXAMINER
NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *25 March 2005*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *52,54-56,58-60,62-64,66 and 67* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *52,54-56,58-60,62-64,66 and 67* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 52, 54-56, 58-60, 62-64, and 66-67 are currently presented and have been examined.

The indicated allowability of claims 52, 54-56, 58-60, 62-64, and 66-67 is withdrawn in view of the newly discovered reference(s) to "RFC 2131". Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a),

the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered

therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that

was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

1.   Claims 52, 55-56, and 59 are rejected under 35 U.S.C.

103(a) as being unpatentable over "Request for Comments 2131:

Dynamic Host Configuration Protocol" ("RFC 2131") in view of US

Patent 5 692 197 to Narad et al.

Regarding claim 52, "RFC 2131" discloses a method for

preventing a computer from being disconnected from a network

comprising:

determining a termination time of a network connection for

said computer; (page 29, section "4.3.1 DHCPDISCOVER message",

specifically "Once the network address and lease have been

determined, the server constructs a DHCPOFFER message with the

offered configuration parameters...The server MUST return to the

client:...The expiration time for the client's lease...")

setting a timer for a time prior to said termination time

responsive to said determination of said termination time;

(pages 40 and 41, section 4.4.5 "Reacquisition and expiration",

specifically "The client maintains two times, T1 and T2, that

specify the times at which the client tries to extend its lease

on its network address... T1 MUST be earlier than T2, which, in

turn, MUST be earlier than the time at which the client's lease

will expire." and "The client MAY choose to renew or extend its

lease prior to T1...")

and transmitting a message from said mobile computer to a

host computer in said network wherein said message is a request

for an extension of a lease of an Internet Protocol Address for

said mobile computer. (page 3, specifically "In 'dynamic

allocation', DHCP assigns an IP address to a client for a

limited period of time (or until the client explicitly

relinquishes the address)..."); page 40, section 4.4.5

"Reacquisition and expiration", specifically "At time T1 the

client moves to RENEWING state and sends (via unicast) a

DHCPREQUEST message to the server to extend its lease...When the

client receives a DHCPACK from the server...[t]he client has

successfully reacquired its network address, returns to BOUND
state and may continue network processing.")

"RFC 2131" does not disclose wherein the computer is a
mobile computer. "RFC 2131" also does not disclose setting said
mobile computer into a sleep mode responsive to setting of said
timer and setting said mobile computer to an active mode
responsive to said timer expiring and transmitting the message
responsive to said mobile computer being set to said active
mode.

Narad discloses setting said mobile computer into a sleep
mode ("sleep state"; column 3, lines 55-56) responsive to
setting of a timer (column 2, lines 10-15), setting said mobile
computer to an active mode ("active state"; column 3, lines 58-
59) responsive to said timer expiring (column 2, lines 15-18),
and transmitting a message from said mobile computer to a host
computer in said network responsive to said mobile computer
being set to said active mode. (column 2, lines 54-67,
specifically 65-67).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to combine the teachings
of these references since Narad discloses that setting a mobile
computer into a sleep mode and sending a message after becoming
active after a timer expires enables the mobile computer to

appear continuously in a active mode while actually being in a
sleep mode (column 3, lines 1-6) by enabling the network
connection means to be active while the processing means of the
mobile computer is in a sleep mode, enabling increased power
conservation without affecting the performance of the network
(column 3, lines 6-20). Therefore, one of ordinary skill in the
art would appreciate the specific advantages disclosed in Narad
and would have been motivated to combine the teachings of these
references based on their related fields of endeavor.

Claim 56 is also rejected since claim 56 recites a mobile
computer terminal that contains substantially the same
limitations as recited in claim 52.

Regarding claim 55, "RFC 2131" and Narad disclose the
method of claim 52.

"RFC 2131" discloses wherein said message is a lease
renewal message. (page 40, section 4.4.5 "Reacquisition and
expiration", specifically "At time T1 the client moves to
RENEWING state and sends (via unicast) a DHCPREQUEST message to
the server to extend its lease...When the client receives a
DHCPACK from the server...[t]he client has successfully
reacquired its network address, returns to BOUND state and may
continue network processing.")

Claim 59 is also rejected since claim 59 recites a mobile

computer terminal that contains substantially the same

limitations as recited in claim 55.

2.   Claims 54 and 58 are rejected under 35 U.S.C. 103(a) as

being unpatentable over "RFC 2131" and Narad as applied to

claims 52 and 56 above, and further in view of US Patent 4 775

996 to Emerson.

Regarding claim 54, "RFC 2131" and Narad disclose the

method of claim 52.

"RFC 2131" and Narad do not disclose wherein the method

further comprises determining whether said mobile computer is

out of transmission range of said host computer; displaying an

out of range message on a display screen of said mobile

computer responsive to a determination that said mobile computer

is out of said transmission range; setting a re-transmit timer

responsive to a determination of said mobile computer being out

of said transmission range; and re-transmitting said message

responsive to an expiration of said re-transmit timer, however,

Emerson does disclose these limitations in the context of mobile

computer communications (column 1, lines 11-38, specifically

lines 29-38).

It would have been obvious to one of ordinary skill in the

art at the time the invention was made to display a message on

the mobile computer indicating to the user that the mobile

computer must be brought back into range of communications with

the host computer because if the mobile computer is not within

range of the host computer to send a message, a user must

manually move the mobile computer back into transmission range

of the host computer and the only way a user can know is through

the use of the notification method to which Emerson expressly

discloses is the reason for such a notification method (column

1, lines 29-38). Therefore, one of ordinary skill in the art

would motivated to combine the teachings of these references.

Claim 58 is also rejected since claim 58 recites a mobile

computer terminal that contains substantially the same

limitations as recited in claim 54.

Claims 60, 62-64, and 66-67 are rejected under 35

U.S.C. 103(a) as being unpatentable over "RFC 2131", Narad, and

Applicant's admitted prior art, namely US Patent 5 029 183 to

Tymes.

Regarding claim 60, "RFC 2131" discloses a computer

terminal comprising:

a transceiver unit for transmitting and receiving messages;

a processing unit, and instructions for directing said

processing unit, and a media readable by said processing unit

that stores said instructions ("client" with "network interface"

as shown throughout the reference), wherein the instructions

direct the processing unit to:

determine an expiration time for a connection time between

said computer terminal and a host computer system, (page 29,

section "4.3.1 DHCPDISCOVER message", specifically "Once the

network address and lease have been determined, the server

constructs a DHCPOFFER message with the offered configuration

parameters...The server MUST return to the client:...The

expiration time for the client's lease...")

set a timer to expire prior to said expiration time, (pages

40 and 41, section 4.4.5 "Reacquisition and expiration",

specifically "The client maintains two times, T1 and T2, that

specify the times at which the client tries to extend its lease

on its network address... T1 MUST be earlier than T2, which, in

turn, MUST be earlier than the time at which the client's lease

will expire." and "The client MAY choose to renew or extend its

lease prior to T1...") and

transmit a connection message to said host computer system

prior to said expiration time wherein said connection message

requests an extension of a lease of an Internet Protocol Address

for said mobile computer terminal. (page 3, specifically "In

'dynamic allocation', DHCP assigns an IP address to a client for

a limited period of time (or until the client explicitly

relinquishes the address)..."); page 40, section 4.4.5

"Reacquisition and expiration", specifically "At time T1 the

client moves to RENEWING state and sends (via unicast) a

DHCPREQUEST message to the server to extend its lease...When the

client receives a DHCPACK from the server...[t]he client has

successfully reacquired its network address, returns to BOUND

state and may continue network processing.")

"RFC 2131" does not disclose wherein the computer terminal

is a mobile computer terminal. "RFC 2131" also does not disclose

setting said mobile computer terminal to a sleep mode responsive

to setting said timer, set said mobile computer terminal to an

active mode responsive to an expiration of said timer, transmit

a connection message to said host computer system prior to said

expiration time responsive to said computer terminal being set

to an active state.

Narad discloses setting said mobile computer into a sleep

mode ("sleep state"; column 3, lines 55-56) responsive to

setting of a timer (column 2, lines 10-15), setting said mobile

computer to an active mode ("active state"; column 3, lines 58-

59) responsive to said timer expiring (column 2, lines 15-18),

and transmitting a message from said mobile computer to a host

computer in said network responsive to said mobile computer

being set to said active mode. (column 2, lines 54-67,
specifically 65-67).

Thee motivations regarding the obviousness of claim 52 also
apply to claim 60 regarding "RFC 2131" and Narad.

"RFC 2131" and Narad do not disclose wherein the mobile
computer terminal comprises a hand-held image scanner and
instructions for directing said processing unit to read an image
from said hand-held image scanner, transform data corresponding
to said image, generate a data message including said data, said
data message having a format and ordering expected by a host
computer system, transmit said data message to said host
computer system, however, the Applicant's admitted prior art
discloses these limitations in the context of mobile computers
(column 2, line 55-column 3, line 57; column 6, lines 28-56;
column 11, line 25-column 12, line 8).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to use Applicant's
admitted prior art with the disclosures of Narad since the
Applicant admits the mobile computer terminal as known prior
art, the combination of the features of Narad with the prior art
features of the Applicant's admitted prior art would have
involved only routine skill in the art.

Claims 62 and 66 are rejected since claims 62 and 66 recite substantially the same limitations as recited in claim 54.

Claim 64 is rejected since claim 64 recites a method for transmitting data between a mobile computer terminal and a host computer that contains substantially the same limitations as recited in claim 60.

Claims 63 and 67 are also rejected since these claims recite a mobile computer terminal and method that contain substantially the same limitations as recited in claim 55.
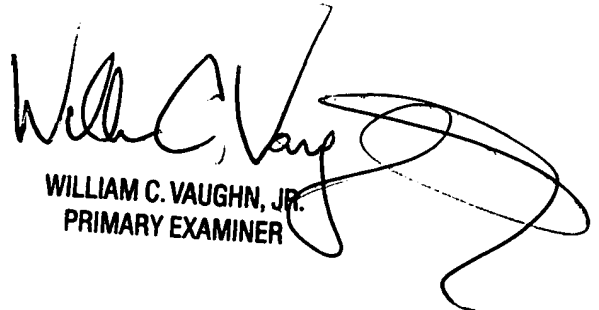
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER